

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4
5 GVCL VENTURES, INC., a corporation,

6 Plaintiff,

7 vs.

8 GOPETFRIENDLY.COM,

9 Defendant.

2:16-cv-02892-JAD-VCF

ORDER

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11 Before the Court is the Motion to Withdraw as Attorney of Record for Plaintiff GVCL Ventures,
12 Inc., and Counter-Defendant Gerald Neziol (ECF No. 64).

13 Counsel asserts that Plaintiff and Counter-Defendants have failed to meet their financial
14 obligations and this creates a financial hardship on counsel. *Id.*

15 Discovery ends on July 13, 2018. (ECF No. 60). There are no pending motions and trial date has
16 not been set.

17 **Discussion:**

18 Under Local Rule 7-2(d), [t]he failure of an opposing party to file points and authorities in response
19 to any motion shall constitute a consent to the granting of the motion. Here, no opposition has been filed
20 and the time to oppose has passed.

21 Pursuant to Local Rule IA 11-6(b), “[n]o attorney may withdraw after appearing in a case except
22 by leave of court after notice has been served on the affected client and opposing counsel.” “Except for
23 good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any
24 hearing in the case would result.” LR IA 11-6(e). Nevada Rule of Professional Conduct 1.16(b)(5)
25 provides that a lawyer may withdraw if the “client fails substantially to fulfill an obligation to the lawyer

1 regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw
2 unless the obligation is fulfilled." Here, based on counsel's representation that Plaintiff and Counter-
3 Defendants have failed to fulfill their financial obligation with their counsel, the Court permits counsel
4 to withdraw. LR IA 11-6(b); NRPC 1.16(b)(5). The Court finds that permitting counsel to withdraw would
5 not result in delay. LR IA 11-6(e).

6 28 U.S.C. § 1654 provides that "[i]n all courts of the United States the parties may plead and
7 conduct their own cases personally." See *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th
8 Cir. 1987). Although individuals may represent themselves pursuant to this statute, a corporation is not
9 permitted to appear in Federal Court unless it is represented by counsel. *U.S. v. High Country*
10 *Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). An individual also does not have the right to
11 appear on behalf of anyone other than himself. *Pope*, 818 F.2d at 697. The Ninth Circuit has permitted
12 motions to strike and motions to dismiss pleadings filed by pro se parties on behalf of entities including
13 trusts. *Id.* at 698; *United States v. Nagy*, C11-5066BHS, 2011 WL 3502488 (W.D. Wash. Aug. 10, 2011).
14 GVCL Ventures, Inc. may not proceed *pro se*, as corporations must be represented by counsel.

15 Accordingly, and for good cause shown,

16 IT IS HEREBY ORDERED that the Motion to Withdraw as Attorney of Record for Plaintiff
17 GVCL Ventures, Inc., and Counter-Defendant Gerald Neziol (ECF No. 64) is GRANTED.

18 IT IS FURTHER ORDERED that Mr. Gewerter must mail a copy of this order to GVCL Ventures,
19 Inc. and Gerald Neziol.

20 IT IS FURTHER ORDERED that Mr. Neziol must either retain counsel or file a notice of
21 appearing *pro se* on or before May 4, 2018.

22 IT IS FURTHER ORDERED that GVCL Ventures, Inc. file a notice of appearance of counsel on
23 or before May 4, 2018.


24 IT IS FURTHER ORDERED that Mr. Neziol and GVCL Ventures, Inc. must file with the Court
25 written notification of any change of address.

1 The Clerk of Court is directed to mail a copy of this Order to the following address(es):

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3 GVCL Ventures, Inc.
4 133 No. Pompano Beach, Ste. 910
5 Pompano Beach, FL, 33062

6 Gerald Neziol
7 133 No. Pompano Beach, Ste. 910
8 Pompano Beach, FL, 33062

9 DATED this 28th day of March, 2018.

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11 _____
12 CAM FERENBACH
13 UNITED STATES MAGISTRATE JUDGE
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